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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,242	05/25/2001	Douglas Weigel	10003469-1	2761

7590                  04/09/2004

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[REDACTED] EXAMINER

LE, DAVID Q

[REDACTED] ART UNIT

[REDACTED] PAPER NUMBER

3621

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/864,242	WEIGEL, DOUGLAS	
	<b>Examiner</b>	<b>Art Unit</b>	
	David Q Le	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 January 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3,7,8 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3,7,8 and 12-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

Art Unit: 3621

## DETAILED ACTION

### Examiner's Note

1. The Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claims, other passages and figures apply as well. It is requested from the Applicant, in preparing the response, to consider fully the entire references as well as the context of all passages in the cited references as potentially teaching all or part of the claimed inventions.

### ***Status of Claims***

2. Per the Amendment filed on January 8<sup>th</sup>, 2004:

Claims 4-6 and 9-11 are cancelled.

Claims 1, 2, and 7 are amended.

Claims 12-20 are added.

Claims 1-3, 7-8, and 12-20 remain pending.

### ***Response to Arguments***

3. Applicant's arguments have been fully considered but they are moot in view of the new grounds for rejection.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3621

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 7-8, and 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman et al., US Patent No. 5,613,012.

As per claims 1, 7, 13, and 18

Hoffman discloses

A [method /device / PDA / apparatus] for conducting an electronic transaction (Abstract, Summary of the Invention), said method comprising:

storing a digital signature of a user in a memory of a remote control controlling at least one function of a television set wherein said at least one function includes at least one of volume control, channel selection and color selection; performing said electronic transaction (C13, L40 – C14, L28; C14, L39-42; L49-53; C15, L25-53; C18, L6-22; C32, L26-43); and

transmitting said digital signature of said user from said remote control to complete said electronic transaction (C14, L54-60).

Hoffman does not mention that the television may be a high definition set. However it would have been obvious to one ordinarily skilled in the art at the time of the invention that any type of television, whether black and white, color, digital, or high definition, would inherently lend itself quite readily to Hoffman's system, because the display technology is not relevant to the invention itself.

Also, Hoffman's system is directed to sending biometric information from a user to a terminal for the purpose of conducting electronic transactions. However those transmissions are authenticated using a digital signature (C32, L26-43). Therefore it would have been obvious to one ordinarily skilled in the art at the time the invention was made to have used Hoffman's system in authorizing electronic transactions via the application of digital signatures as recited in these claims, to ensure that the chances for fraud and theft are minimized within the system.

Art Unit: 3621

**As per claim 2**

Hoffman does not mention that the television may be a high definition set. However it would have been obvious to one ordinarily skilled in the art at the time of the invention that any type of television, whether black and white, color, digital, or high definition, would inherently lend itself quite readily to Hoffman's system, because the display technology is not relevant to the invention itself. Such a system would meet the further limitations of claim 2:

presenting said electronic transaction on an Internet terminal, wherein said Internet terminal includes said high definition television set;

receiving said digital signature by said Internet terminal; and presenting a verification of conclusion of said electronic transaction.

**As per claim 3:**

Hoffman further discloses

said digital signature of said user is transmitted utilizing wireless protocols (C14, L39-42).

**As per claims 8, 15, 18, and 20**

Hoffman further discloses

said controller is further configured to receive said digital signature from a second device adapted to generate said digital signature in response to a second input from said keypad (C33, L34 – C34, L10).

**As per claims 12, 14, and 19**

Hoffman further discloses

an encryptor module for encrypting the digital signature (C7, L5-8; L39-42; C33, L24-33).

**As per claim 16.**

Hoffman does not specifically disclose that transmission may be infrared and/or electromagnetic. However he does teach that all known methods for effecting wireless transmission may be used (C17, L44-45). Therefore it would have been obvious to one ordinarily skilled in the art at the time the invention was made to have used either or both infrared and E/M transmission, because

Art Unit: 3621

both are equally reliable in such wireless transmission protocols.

**As per claim 17.**

Hoffman further discloses (C14, L54-60; all above citations)

...the first input ...is associated with completing an electronic transaction.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Le whose telephone number is 703-305-4567. The examiner can normally be reached on 8:30am-5:30pm Mo-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DQL

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